

AS AMENDED IN THE 11-19-19  
LEGISLATIVE WATER DEVELOPMENT  
COMMISSION MEETING

**STATE WATER POLICY AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This bill addresses water policies.

**Highlighted Provisions:**

This bill:

- outlines the water policies of the state;
- encourages state agencies to follow the state policy;
- addresses suits referencing the state policy; and
- requires an annual review of the policy.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**73-1-21**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **73-1-21** is enacted to read:

**73-1-21. State Water Policy.**

(1) It is the policy of the state that:

(a) Utah shall pursue adequate, reliable, affordable, sustainable, and clean water resources, recognizing that Utah is the second most arid state in the nation and as such, there is, and will continue to be, a need to ensure Utah's finite water resources are used for the highest beneficial use beneficially;

(b) Utah will promote:

- 31 (i) water conservation, efficiency, **elimination of wasteful watering practices**, and the  
32 optimal use of water resources, while identifying intended and unintended consequences to  
33 ensure appropriate choice and implementation of particular strategies;
- 34 (ii) water resource development and the creation of new water infrastructure necessary  
35 to meet the state's growing demand and promote economic development;
- 36 (iii) compliance with state statutes regarding Lake Powell pipeline development and  
37 Bear River development;
- 38 (iv) the timely replacement of aging or inefficient water resource, drinking water,  
39 wastewater, and storm water infrastructure;
- 40 (v) the optimal use of agricultural water to **preserve sustain** and improve food  
41 production and the productive capacity of agricultural lands;
- 42 (vi) water quality in rivers and lakes that:
- 43 (A) complies with state clean water and safe drinking water statutes; and  
44 (B) protects public health;
- 45 (vii) water pricing and funding mechanisms that:
- 46 (A) provide revenue stability while encouraging conservation, efficiency, and  
47 optimization efforts;
- 48 (B) adequately cover infrastructure needs; and  
49 (C) balance social, economic, and environmental values;
- 50 (viii) respect for water rights;
- 51 (ix) standards for accurate water use measurement, tracking, enforcement, and  
52 reporting;
- 53 (x) efforts to educate and engage the public in:
- 54 (A) individual actions that protect water quality, including preventing and mitigating  
55 water pollution; and
- 56 (B) conservation practices and the efficient and optimal use of water resources;
- 57 (xi) the implementation of cyber security and physical security measures for water  
58 infrastructure;
- 59 (xii) the study and consideration of mechanisms for increased flexibility in water use  
60 such as water banking and split season uses;
- 61 (xiii) continued improvements in the management of water resources through

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protection, restoration, and science-based evaluation of Utah watersheds, and increased  
reservoir capacity and aquifer storage and recovery;

(xiv) the development and beneficial use of Utah's allocated share of interstate rivers,  
including Utah's allocations under the 1922 and 1948 Colorado River Compacts and the 1980  
Amended Bear River Compact;

(xv) the study and development of strategies and practices necessary to address  
declining water levels and protect the water quality and quantity of the Great Salt Lake, taking  
into consideration natural climate change, natural weather systems and patterns, and normal  
cyclic water level change over time, while balancing economic, social, and environmental  
needs;

(xvi) regulations and practices, including voluntary practices, that maintain sufficient  
stream flows and lake levels to provide reasonable access to recreational activities and protect  
and restore water quality, quantity, and healthy ecosystems, including protecting groundwater  
and surface water sources from pollution;

(xvii) equitable access to safe, affordable, and reliable drinking water to protect public  
health;

(xviii) regulations and practices that encourage effective treatment of wastewater to  
maximize its availability for beneficial use and minimize depletion and the further degradation  
of other waters;

(xix) the control of invasive species that threaten or degrade waters of the state;

(xx) coordination among the state, water providers, water users, local governments,  
government agencies, and climate researchers in the study of ways weather and climate will  
impact future water supplies, demand, and quality;

(xxi) water laws, rules, and enforcement that are consistent with this Subsection (1)  
and encourage transparency, order, and certainty in the use of public water;

(xxii) the support and funding of research, science, and technology necessary to  
achieve the provisions of this Subsection (1); and

(xxiii) the collaboration, cooperation, and engagement of stakeholders in the  
identification and advancement of actions that support the provisions of this Subsection (1);

91 and

92 (c) Utah supports the timely and appropriate negotiated settlement of federally reserved  
93 water right claims for both Native American trust lands and other existing federal reservations,  
94 and opposes future reservations of public lands that result in unquantified federal reservations  
95 of water.

96 (2) State agencies are encouraged to conduct agency activities consistent with  
97 Subsection (1) and implement policies established by the Legislature that promote the near-  
98 and long-term stewardship of water quality and water resources.

99 (3) This section does not create a cause of action against the state's or a state agency's  
100 action that is inconsistent with Subsection (1) and does not waive governmental immunity  
101 under Title 63G, Chapter 7, Governmental Immunity Act of Utah.

102 (4) The Natural Resources, Agriculture, and Environment Interim Committee shall  
103 review the state water policy annually and recommend priority balancing and any other changes  
104 to the Legislature.